

REMARKS

Claims 1-30 are pending. Claims 1-30 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(b). Claims 1-9 stand rejected under 35 U.S.C. § 102(e). Applicants address each of these rejections as follows.

Amendments to the Specification

Applicants have amended the specification to correct a typographical error. In particular, the RRE sequence starting position recited at pages 18 and 19 of the English language specification has been amended to be 7370. Support for this amendment is found, for example, in Figure 7 of the application as filed. No new matter has been added.

Amendments to the Claims

Applicants, solely to expedite prosecution, have amended claim 1 to incorporate the features of claims 7 (in part) and 10. In view of this amendment, claim 7 has been amended, claims 9-10 have been cancelled, and the dependency of claims 12-15 has been amended. No new matter has been added by these amendments.

Information Disclosure Statements

The Office objects to the Information Disclosure Statements (“IDS”) filed on January 20, 2004 and July 14, 2004, and states (page 2):

The information disclosure statements filed 1/20/2004 and 7/14/2004 fail to comply with 37 CFR 1.98(a)(3) because they do not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

Applicants note that the January 20th IDS states:

JP 2002-530057A, JP 2002-530070A, and JP 2002-508184A, copies of which are enclosed, are written in the Japanese Language. Applicants note that WO 00/29421A1 (copy enclosed), which is written in the English language, and JP 2002-530057A are cumulative; WO 00/29557A1 (copy enclosed), which is written in the English language, and JP 2002-530070A are cumulative; and WO 99/31251A1 (copy enclosed), which is written in the English language, and JP 2002-508184A are cumulative.

In view of this statement, Applicants submit that the Office should have considered WO 00/29421A1, WO 00/29557A1, and WO 99/31251A1, which are written in the English language. Applicants resubmit these publications for consideration with the concurrently filed supplemental IDS.

With regard to the July 14th IDS, the Office states (page 2):

The information disclosure statement filed 7/14/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

Applicants note that copies of WO 99/15683A1 and U.S. Patent No. 5,739,118A were enclosed with the July 14th IDS. Both of these publications are written in the English language. While the Office initialed the Form PTO-1449 submitted with the July 14th IDS next to U.S. Patent No. 5,739,118A, indicative that this reference has been considered, the Office crossed out WO 99/15683A1. As a copy, in English, of the WO 99/15683A1 publication was provided with the July 14th IDS, Applicants submit that this

publication was properly submitted and should have been considered by the Office.

Nonetheless, Applicants resubmit, for consideration, a copy of WO 99/15683A1 with the concurrently filed supplemental IDS.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office asserts that “Applicants provide no definition of what the RRE ‘core sequence’ comprises.”

Contrary to the Office’s assertion, Applicants submit that the specification clearly describes what portion of the RRE is included in the “RRE core sequence.” Applicants direct the Office’s attention to Figure 7, in which 7370-7630 (c/c) is described as “RRE core.” As taught, for instance, in Example 1, both 7370 and 7630 indicate nucleotide positions in the plasmid “pSA212,” which was used as a template in PCR reactions to prepare vector DNA sequences such as those encompassed by the present claims. Thus, Applicants submit that, in view of the specification, the meaning of the term “RRE core sequence” is clear. The 35 U.S.C. § 112, second paragraph, rejection should be withdrawn.

Rejection under 35 U.S.C. § 102

The Office rejects claims 1-3 and 6-9 under 35 U.S.C. § 102(b) as being anticipated by Naldini et al. (Science, 272:263-267, 1996) and rejects claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Naldini et al. (U.S. Patent No. 5,994,136).

As noted above, Applicants have amended claim 1 to incorporate the features of claims 7 (in part) and 10. Claim 1, as amended, requires the vector to include a packaging signal, in which the translation initiation codon of a gag protein is mutated. As acknowledged by the Office (page 5 of the Office Action), “Naldini et al. do not specifically teach mutation of the *gag* initiation codon.” As the cited references do not teach every feature of the presently claimed invention, these references cannot anticipate the claims, as amended. The 35 U.S.C. § 102 rejection should be withdrawn.

CONCLUSION

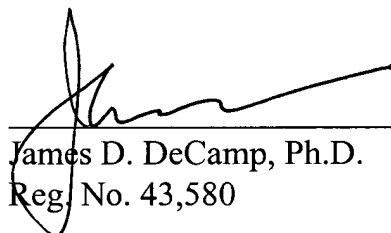
Applicants submit that the application is in condition for allowance, and this action is hereby respectfully requested.

Enclosed are a Petition to extend the period for replying to the Office Action for two months, to and including March 7, 2005, as March 6th is a Sunday, and a check in payment of the required extension fee.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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James D. DeCamp, Ph.D.
Reg. No. 43,580

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045